

RONNIE WINSTEAD,

Plaintiff,

v.

MICHAEL J. ASTRUE,
Commissioner of Social Security,

Defendant.

On June 29, 2009, Magistrate Judge Daniel issued a Memorandum and Recommendation (“M&R”) [D.E. 27]. In that M&R, Judge Daniel recommended that plaintiff’s motion for judgment on the pleadings be denied, that defendant’s motion for judgment on the pleadings be granted, and that defendant’s final decision denying the request for benefits be affirmed. On July 17, 2009, plaintiff filed objections to the M&R [D.E. 29]. The defendant did not file a response to plaintiff’s objections.

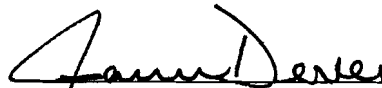
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The court has reviewed the M&R, the record, and plaintiff's objections. As for those portions of the M&R to which plaintiff made no objection, the court is satisfied that there is no clear error on the face of the record.

The court has reviewed de novo the portions of the M&R to which plaintiff objected. Plaintiff contends that "the [Magistrate Judge] erred in affirming the ALJ's finding that the treating physician's opinion was not supported by his own records and was inconsistent with other record evidence." Pl.'s Objs. to M&R 1. Judge Daniel correctly rejected this argument. See M&R 7-11. Thus, plaintiff's objection is overruled.

Accordingly, the court adopts the M&R [D.E. 27]. Plaintiff's motion for judgment on the pleadings [D.E. 19] is DENIED, and defendant's motion for judgment on the pleadings [D.E. 21] is GRANTED. Defendant's final decision is AFFIRMED, and this action is DISMISSED. The Clerk is directed to close the case.

SO ORDERED. This 13 day of August 2009.


JAMES C. DEVER III
United States District Judge